IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6926 OF 2005

The Municipal Corporation of Greater Mumbai : Petitioner
(Orig. Defendant)

V/s.

Dinesh Shantilal Hinger : Respondent
(Orig. Plaintiff)

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Mr.A.J. Bhor for Mr.R.A.Malandkar for the petitioner.

None present for the respondent.

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CORAM : S.A. BOBDE, J.

October 11, 2005.

P.C.:

1. The petitioner has challenged the order dated 26.8.2005 passed by the City Civil Court, Greater Bombay, allowing exh.24 filed by the respondent-plaintiff for certain documents to be exhibited. It appears that the trial Court was satisfied that the documents remained to be exhibited on 16.3.2005 when the respondent-plaintiff tendered the same. On the next date i.e. on 31.3.2005, certain documents were exhibited but the documents in question i.e. the affidavit dated 6.1.1990 of

Mrs.Halimabai and the Power of Attorney and affidavit of one Ibrahim Abdulla Patel remained to be exhibited. These have been allowed to be exhibited. This is an order in the course of trial and the trial Court has permitted the respondent-plaintiff to exhibit these documents since they were not exhibited earlier due to oversight. No case for interference under Article 227 of the Constitution is made out. All other contentions of the petitioner regarding the truth of the contents of the documents, etc. are left open.

2. The Writ Petition is, accordingly, dismissed.

S.A. BOBDE, J.